

Kenneth James Pettipiece and William Bradshaw  
Amos  
Application No.: 09/536,932  
Page 2

PATENT

REMARKS

Claims 12-13 and 23-26 are pending.

Claims 12-13 and 23-26 stand rejected under 35 USC §103(a) as being unpatentable over McNamara et al. (U.S. Patent No. 6,007,996) in view of Cabib et al (U.S. Patent No. 5,539,517) and Hock (U.S. Patent No. 3,822,942). This rejection is respectfully traversed and reconsideration is respectfully requested.

The Examiner states that applicant argues that none of the references cited disclose a spectral imaging system that includes a beamsplitter that reflects a first preferred polarization and substantially transmits a second preferred polarization such that it appears the applicant is arguing that there is no single reference that teaches the combination of a spectral imaging system having a polarizing beamsplitter. This is correct. The Examiner has not pointed to any reference that includes a polarizing beamsplitter that reflects a first preferred polarization and transmits a second preferred polarization.

The Examiner also goes on to point out that McNamara et al do not show the use of polarized light, in particular, a polarizing beamsplitter but that Hock shows a Sagnac interferometer in figure 9 wherein the beamsplitter is a polarizing beamsplitter that substantially reflects a first polarization and substantially transmits a second preferred polarization. Applicant respectfully disagrees. Hock describes figure 9 in columns 9-10 and no mention is made about the Sagnac interferometer substantially reflecting a first polarization and substantially transmitting a second preferred polarization. Hock simply discloses using the Sagnac interferometer for measuring purposes with contrasting beams. Nothing is mentioned about reflecting a first preferred polarization and transmitting a second preferred polarization.

The Examiner also points out that one of ordinary skill in the art would see that the light leaving the interferometer of McNamara is only a partial amount of light that enters the interferometer. The Examiner points out that only 50% of the original light eventually reaches the detector and that Hock teaches that the polarized Sagnac

Kenneth James Pettipiece and William Bradshaw  
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Application No.: 09/536,932  
Page 3

PATENT

interferometer is "loss-free" and thus, all the light entering the interferometer reaches the detector. The Examiner concludes that therefore one of ordinary skill in the art would have modified the interferometer of McNamara with Hock. However, applicants notes that Cabib et al, which is of record in the McNamara et al reference, also mentions Sagnac interferometers (see for example, column 11, lines 32-65). McNamara et al. specifically refers to Cabib et al. in their specification and yet does not incorporate a Sagnac interferometer, as one skilled in the art would do according to the Examiner, into their system. Furthermore, Hock was issued in 1974, and thus, was available to McNamara et al. especially given McNamara et al's use of Cabib et al. Accordingly, it is respectfully submitted that one skilled in the art would not be motivated to combine the cited references to arrive at the present invention even if it were possible.

Accordingly, it is respectfully submitted that McNamara et al., Cabib et al., and Hock, either alone or in combination, fail to teach, disclose, or even suggest a spectral imaging system as recited in claims 12-13 and 23-26. Accordingly, for at least these reasons, it is respectfully submitted these claims are allowable.

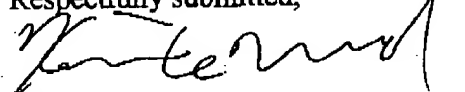
Kenneth James Pettipiece and William Bradshaw  
Amos  
Application No.: 09/536,932  
Page 4

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is urged. If the Examiner believes a telephone conference would aid in the prosecution of this case in any way, please call the undersigned at 415-576-0200.

Respectfully submitted,



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